IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Revision No. 466 of 1991

Date of Decision :- April 26, 2007

Jasbir Singh ....PETITIONER

VERSUS

U.T.Chandigarh ....RESPONDENT

CORAM: HON'BLE MR. JUSTICE MEHTAB S.GILL

Present:- Mr. Sanjay Kaushal, Advocate
for the petitioner.

Mr. Rajiv Sharma, Advocate for U.T.Chandigarh.

MEHTAB S.GILL, J.

This is a revision against the judgment dated 18.7.1991 of the Additional Sessions Judge, Chandigarh, affirming the judgment dated 10.10.1986 of the Judicial Magistrate 1st Class, Chandigarh, whereby he convicted Jasbir Singh son of Tarlok Singh under Sections 420/467/471 IPC and sentenced him to undergo R.I. for 1-½ years and to pay a fine of Rs.500/-, in default to further undergo R.I. for three months under Section 467 IPC. No sentence was passed under Section 420/471 IPC.

Criminal Revision No. 466 of 1991

The case of the prosecution is that Rekha daughter of Man Mohan had Saving Bank Account No. 1367 with the Punjab and Sind Bank Sector 17, Chandigarh. She breathed her last on 2.10.1980. When her passbook came into the hands of her father it showed a withdrawal of Rs.3,300/- from her account after her death. Her father lodged, FIR Ex.PD. During investigation it came to light, that on 22.12.1980 a sum of Rs.500/- was withdrawn vide form Ex.P3 and a sum of Rs. 800/- was withdrawn on 3.1.1981 vide form Ex.P2. Some lady posed herself as Rekha and all these amounts were withdrawn after she was identified by the appellant, who was working at that time as Clerk in the bank.

The prosecution to prove its case brought into the witness box Paramjit Singh PW1, Harcharan Singh PW2, Pardeep Kumar PW3, Man Mohan PW4, SI Charan Dass PW5, K.N.Parshad PW6, Pushpinder Mohan PW7, Baldev Singh PW8, Gurdit Singh PW9 and Harjit Singh Virdi PW10.

I have heard learned counsel for the parties, have perused the impugned judgment and the evidence on record and find that no case of acquittal is made out against the petitioner. This has been fairly conceded by the learned counsel for the petitioner, but he has prayed that as the occurrence is of the year 1980 and appeal in this Court is pending since 1991, a lenient view be taken and the petitioner be released under the Probation of Offenders Act, 1958.

The sword of conviction has been hanging over the head of the petitioner for the last 27 years. This itself is a punishment. Petitioner was convicted under Sections 420/467/471 IPC, but was sentenced to

Criminal Revision No. 466 of 1991

undergo R.I. for 1-½ years and to pay a fine of Rs. 500/- under Section 467 IPC by the learned trial Court. The Judge did not sentence the petitioner under Section 420/471 IPC by stating, that he has sentenced the petitioner for the major offence under Section 467 IPC. 27 years have passed and the sword of conviction is hanging over the head of the petitioner, I feel it appropriate that the petitioner be released under the Probation of Offenders Act, 1958. Petitioner is directed to furnish surety bonds of Rs.10,000/- and a surety of like amount to the satisfaction of the Chief Judicial Magistrate, Chandigarh of good behaviour for three months The bonds be furnished within one month from the date of obtaining a copy of this order.

With the above modification in sentence, revision petition is dismissed.

April 26, 2007 **(MEHTAB S.GILL)**
S.K.Arora **JUDGE**

WHETHER TO BE REFERRED TO REPORTER? YES/NO